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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/656,367	09/08/2003	Kuo-Ping Yang	YANG3148/EM	8245
23364 7590 01/24/2007 BACON & THOMAS, PLLC 625 SLATERS LANE FOURTH FLOOR ALEXANDRIA, VA 22314			EXAMINER MUSSELMAN, TIMOTHY A	
			ART UNIT	PAPER NUMBER
			3714	
SHORTENED STATUTORY PERIOD OF RESPONSE		MAIL DATE	DELIVERY MODE	
3 MONTHS		01/24/2007	PAPER	

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary	Application No. 10/656,367	Applicant(s) YANG ET AL.	
	Examiner Timothy Musselman	Art Unit 3714	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 6/28/2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-8 and 10-12 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-8 and 10-12 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 28 September 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Status of Claims

In response to the communication filed on June 28th, 2006, claims 1-8 and 10-12 are pending, and claim 9 has been cancelled.

Claim Rejections - 35 USC § 102

The following is a quotation of the relevant portion of 35 U.S.C. 102 that forms the basis for the rejections made in this section of the office action:

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of the application for patent in the United States.

Claims 11 and 12 are rejected under 35 U.S.C. 102(b) as being anticipated by Abrahamson (U.S. 5,002,491).

[1] Regarding claim 11, Abrahamson discloses an interactive learning software program usable by a plurality of remote students, the plurality of remote students using different operational devices to output an operational instruction to use the interactive learning software program. See col. 4: 25-40. Abrahamson further discloses wherein operational device has a unique ID code that is output with the instruction. See col. 8: 50-60. Abrahamson further discloses an operational instruction status list for recording the acceptable operational instructions sent by operational devices with particular ID codes, and a program code for changing the operational instruction status list, and for determining which operational instructions are executable by checking the corresponding ID code on the operational status list. See col. 4: 25-60. Note that what Abrahamson is describing is selectively allowing particular operational devices to perform only

Art Unit: 3714

specific operations with the learning software. Although a 'status list' is not expressly disclosed with this concept, it is inherent with the system; particularly with Abrahamson disclosing in col. 8: 55-65 that the instructor creates and can store the permitted student tasks.

[2] Regarding claim 12, Abrahamson discloses wherein the operational instruction status list sorts a plurality of operational instructions into a plurality of operational instruction groups, each operational instruction group including at least one operational instruction. See col. 4: 48-52. Abrahamson further discloses wherein the operational instruction status list records the acceptable operational instructions sent by operational devices with acceptable ID codes for each operational instruction group. See col. 5: 5-15.

Claim Rejections - 35 USC § 103

The following is a quotation of the relevant portion of 35 U.S.C. 103 that forms the basis for the rejections made in this section of the office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains.

Claims 1-8 and 10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Abrahamson et al. (US 5,002,491) in view of Roschelle et al. (US 6,628,918).

[3] Regarding claim 1, Abrahamson discloses an interactive learning computer system comprising a teaching computer for executing at least one built in interactive learning software program and outputting graphical information to the teacher and the plurality of students, the interactive learning software being able to accept a plurality of operation instructions. See col. 4: 25-40.

Art Unit: 3714

Abrahamson further discloses a plurality of operational devices for use by the plurality of students and outputting operational instructions to the teaching computer to use the interactive learning software program. See col. 4: 25-40. Abrahamson further discloses wherein each operational device has a unique Identification code, and the operational instruction is output with a corresponding ID code allowing the teaching computer to identify each operational device. See col. 8: 50-60. Abrahamson further discloses an interactive control program for allowing the interactive learning software to selectively accept the operating instruction being output from an operational device. See col. 8: 60-68. Abrahamson fails to teach of the control instruction to establish the selective communication channel being implemented by a teacher from a portable computer via a wireless connection. However, Roschelle teaches of an electronic interactive learning system in which the instructor can utilize the teaching computer through a wireless network by use of a second portable computer that is small and can be hand held. See col. 3: 40-60, and col. 5: 9-13. Therefore, it would have been obvious at the time of the invention to include the afore-mentioned features of Roschelle, in the system of Abrahamson, so as to provide portability to the instructor to aid in the class instruction.

[4] Regarding claim 2, Abrahamson discloses wherein the interactive control software program is usable by the teacher to specify controllable operational instructions for each operational device, allowing the interactive learning software to selectively accept the operating instructions being output from the operational device. See col. 8: 50-68.

[5] Regarding claim 3, Abrahamson discloses wherein the interactive control software program is usable by the teacher to specify one operational device to process the interactive learning software program allowing the interactive learning software to be used only by the specified device. See col. 4: 25-40.

[6] Regarding claim 4, Abrahamson discloses wherein the interactive control software program can allow the interactive learning software to be used only by selected operational devices. See

Art Unit: 3714

col. 4: 25-40. Abrahamson fails to teach wherein the interactive control software program is usable by the teacher to randomly select said operational device(s). However, Roschelle teaches of such in col. 8: 35-37. Therefore, it would have been obvious to one with ordinary skill in the art at the time of the invention, to utilize the afore-mentioned features of Roschelle, in the system of Abrahamson, so as to allow for increased participation from the students.

[7] Regarding claim 5, Abrahamson discloses wherein the interactive control program is usable by the teacher to select a competitive option to process the interactive learning software program allowing the interactive learning software program to be used only by one of first responding or first multiple responding devices. See col. 11: 25-40 (competition), col. 15: 50-65 (first responding operational devices) and col. 4: 25-40 (selective communication).

[8] Regarding claim 6, Abrahamson discloses a connection device allowing the output operational instruction from one of the plurality of operational devices to be sent to the teaching computer via the connection device. See col. 3: 55-65.

[9] Regarding claim 7, Abrahamson discloses wherein the plurality of operational devices are connected to the connection device via cables, and the connection device is also connected to the teaching computer via a cable. See col. 3: 55:65.

[10] Regarding claim 8, Abrahamson fails to teach wherein the control instruction output by the portable computer is initially sent to the connection device and then forwarded to the teaching computer. However, Roschelle teaches of this in col. 3: 40-60. Therefore, it would have been obvious to one with ordinary skill in the art at the time of the invention, to utilize the connection device of Roschelle in the system of Abrahamson, so as to provide efficient communication between all of the networked devices.

Art Unit: 3714

[11] Regarding claim 10, Abrahamson fails to teach of the portable computer being usable by the teacher to output an operational instruction to the teaching computer to use the interactive learning software program. However, Roschelle teaches of this limitation in col. 5: 5-15.

Therefore, it would have been obvious to one with ordinary skill in the art at the time of the invention, to utilize the afore-mentioned limitation of Roschelle in the system of Abrahamson, so as to provide portability to the instructor to aid in the class instruction.

Response to Arguments

Applicant's arguments have been considered but are moot in view of the new ground(s) of rejection. This action is made NON-FINAL.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Timothy Musselman whose telephone number is (571)272-1814. The examiner can normally be reached on Mon-Thu 6:00AM - 4:30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert Olszewski can be reached on (571)272-6788. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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KATHLEEN MOSSER
PRIMARY EXAMINER